United Nations S/2004/378

Security Council

Distr.: General
10 May 2004

Original: English

Letter dated 10 May 2004 from the Permanent Representative of Pakistan to the United Nations addressed to the Secretary-General

I have the honour to inform you that, during its presidency of the Security Council in May 2004, Pakistan is organizing on 17 May a debate, open to States that are not members of the Council, on the subject of United Nations peacekeeping operations.

Pakistan believes that, in the wake of the recent surge in demand for United Nations peacekeeping operations, it is both timely and appropriate to highlight the forthcoming challenges for the United Nations system and to help generate sufficient levels of political, financial, human and logistical support from Member States required in establishing the new missions. It is equally important to evaluate the progress made in United Nations peacekeeping since the Brahimi reforms, analyse the future trends, and consider ways of meeting the forthcoming challenges in the strategic, operational and other aspects of peacekeeping operations.

The attached non-paper (annex) could serve as a working paper for the proposed open debate and highlights questions that could be addressed by participants during the Council's consideration of the subject. I hope the debate will lead to a fruitful exchange of views and help us all promote our shared objective of utilizing the instrument of United Nations peacekeeping in the furtherance of international peace and security.

I should be grateful if you would have the text of this letter and the attached non-paper distributed as a document of the Security Council.

(*Signed*) Munir **Akram**

04-34535 (E) 120504

Annex to the letter dated 10 May 2004 from the Permanent Representative of Pakistan to the United Nations addressed to the Secretary-General

Non-paper for the Pakistan presidency's Special Event

17 May 2004

United Nations peacekeeping operations

Surge in demand

The United Nations peacekeeping activities are at a crucial juncture. The United Nations is currently fielding 14 peacekeeping operations in Africa, Asia and Europe, plus a complex special political mission in Afghanistan and the possibility of expanded UN activities in Iraq. Seven of the present 14 are complex peacekeeping operations. The number of UN peacekeepers deployed worldwide stands at over 51, 000. At least four new peacekeeping missions are presently in the planning stage. The number of peacekeepers in the coming months is likely to go well over 70,000, deployed on four continents. The peacekeeping budget, currently at $ 2.82 billion, would require an additional over $ 1.5 billion to establish the new operations. The size of the headquarters staff in the Department of Peacekeeping Operations (DPKO) – currently 600 – will need to be augmented as well. Meeting the troops, police and civilian personnel requirements and mobilizing necessary logistical and financial resources in the weeks and months ahead will be a significant challenge for the UN and Member States. Needless to stress, the commitment of personnel and financial levels would have to be commensurate with the specific tasks assigned to each new peacekeeping operation.

Evolution in peacekeeping

2. Since the establishment of the first peacekeeping operation in 1948 – UNTSO – UN peacekeeping has continued to evolve in its policy and operational dimensions. The growing number of PKOs -- 57 since 1948 -- has been matched by increasing complexity in their structures and mandates. UN peacekeeping activities have responded creatively to the changing nature of armed conflict – i.e., declining inter-state conflict and growing intra-state conflict. The United Nations has also, where possible, collaborated fruitfully with regional and sub-regional organizations or arrangements as well as with humanitarian and development partners. Today, PKOs have become multifaceted and multidimensional and have assumed a crucial role in the overall efforts of the UN to promote sustainable peace – including conflict management, confidence-building and post-conflict peace-building. This evolution is likely to continue as the United Nations is increasingly called upon to handle complex conflict situations.

Major reports relating to UN peacekeeping

3. Several reports have profoundly influenced the evolution of UN peacekeeping. The ***Agenda for Peace*** (A/47/277-S/24111 – June 1992) highlighted the critical importance of peacekeeping, along with preventive diplomacy and peace-making, and made specific recommendations to strengthen and enhance the UN's capacity and efficiency in these areas. To make preventive diplomacy and peacekeeping truly successful, the Report introduced the concept of "post-conflict peace-building" as a way to consolidate peace and construct a "new environment" based on support structures designed to prevent the recurrence of crisis. Several aspects -- from DDR to

promotion of human rights to electoral assistance to strengthening of rule of law and democratic institutions -- now form part of the PKO mandates.

4. The ***Report of the Panel on United Nations Peace Operations*** (A/55/305-S/2000/809 August 2000), the "Brahimi Report," was a seminal document which candidly assessed the shortcomings of the existing system and made specific recommendations not only on the politics and strategy for peacekeeping operations but also on their operational and organizational needs. The Brahimi report became a catalyst for several initiatives by the Security Council and the Secretariat to improve UN peacekeeping capacities in key areas.

Role of the Security Council

5. Consistent with its Charter responsibility, the Security Council has played a significant part in this evolution. The Council defines and re-defines peacekeeping mandates -- recognizing the changing requirements of different conflict situations. Through several Presidential Statements, the Council has *inter alia* focused on clear and precise political goals, mandates, costs and estimated timeframes for PKOs, "operational principles," ongoing review of operations, communication and cooperation with non-Council members including troop contributors (TCCs), stand-by arrangements, civilian personnel, training, command and control, financial and administrative issues, and establishment of a Working Group on Peacekeeping Operations (S/PRST/1994/22; S/PRST/1994/62; S/PRST/1996/13; and S/PRST/2001/3).

6. The Council has also adopted several resolutions to strengthen UN peacekeeping operations, focusing *inter alia* on clear mandate-formulation, assistance for training and equipment, up-gradation of UN capacity in planning, deployment and conduct of PKOs, sounder foundation for financing, enhancement of capacity for rapid deployment, and cooperation and communication between the UN and regional or sub-regional organizations or arrangements (Resolution 1318(2000). By Resolution 1327(2000), the Council welcomed the (Brahimi) Panel Report and adopted a series of decisions and recommendations based on that report. Earlier, the Council expressed its willingness to incorporate a gender perspective in PKOs (Resolution 1325(2000)). Through Resolution 1353(2001), the Council further elaborated the framework of the three-way relationship between the Security Council, the TCCs, and the Secretariat.

Consideration of future challenges

7. The Pakistan Presidency believes that, with the recent upsurge in demand for PKOs, and almost 4 years since the release of the Brahimi report, it is timely and appropriate to evaluate the strategic direction of peacekeeping operations and future trends. At this crucial juncture, it would be in order to review the efficacy and effectiveness of the principles, policies, structures and mechanisms governing the planning, establishment, deployment and conduct of peacekeeping operations. Such a review must address questions like what has worked, and what has not worked, since the Brahimi reforms. It would be equally important to evaluate the level of logistic, financial and political support available for peacekeeping operations and future requirements.

8. Besides a review of the progress made since the Brahimi report, the following questions relating to the strategic, functional and other aspects of PKOs are most relevant for the Council's debate:

- What can be done to promote an effective international response to the challenges of generating the requisite personnel as well as logistical and financial resources for the forthcoming peacekeeping operations?

- How can it be ensured that, along with troop contributions, the specialized "enabling" capacities are available to allow new missions to start optimally and implement their mandates effectively?

- Are Secretariat capacities sufficient, including rapid deployment, strategic deployment stocks (SDS), pre-mandate commitment authority, to provide support to the increased number of missions, if there is more than one start-up at the same time?

- How can it be ensured that the establishment of new missions does not affect the resource availability for, and efficient and effective management of, the existing PKOs?

- How the capacities for integrated planning (including through the IMTF concept), command and control structures, and strategic capability to mobilize troops, police, and civilian personnel can be further enhanced?

- How could better coordination be ensured among UN missions in adjacent countries to ensure effective management of peacekeeping operations?

- How can we ensure better coordination between SRSGs in the same regions or sub-regions as well as with the Headquarters? Is there a specific role for the Council in this regard?

- What steps can be taken to ensure that the safety and security of UN personnel remains a priority under all circumstances?

- What measures can be considered to ensure that PKOs have appropriate military strength and capabilities as well as robust mandates and rules of engagement, where necessary, to deter the spoilers and achieve the objectives of the mission?

- What measures can be taken to ensure the right entry and exit strategies for each PKO, guarding against premature withdrawals, and to develop appropriate downsizing and exit plans for departure when the mandate is completed and the conditions so permit?

- What steps can be taken to ensure that peacekeeping, in each instance, remains a part of the overall strategy of conflict resolution that pays equal attention to building confidence and addressing the root causes?

- How can the troop contributors be assisted in improving their capacities for training and equipment to respond effectively to the UN's needs at short notice?

- How can the processes and mechanisms for cooperation with the TCCs and other stakeholders be further refined and strengthened?

- To what extent can peace-building elements be incorporated into peacekeeping mandates from the outset?

- How can the capacities of peacekeeping missions be enhanced to reflect elements of DDR, humanitarian assistance, justice and rule of law, etc. with equitable geographical and gender distribution?

Format

9. The meeting will be chaired by the Foreign Minister of Pakistan. The UN Secretary-General is expected to open the debate. Council and non-Council members would be invited to participate in the Council's open debate. The Under-Secretary General for Peacekeeping Operations will be invited to respond to comments and questions.

Outcome

10. A Presidential Statement (PRST) is envisaged at the end of the debate.

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Security Council

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Letter dated 10 May 2004 from the Permanent Representative of Lebanon to the United Nations addressed to the President of the Security Council

Israel has continued to violate Lebanese airspace, since on 5 May 2004 between 1027 hours and 1215 hours 16 warplanes simultaneously violated Lebanese airspace, flying over various parts of Lebanese territory, including the capital, breaking the sound barrier and terrifying peaceful inhabitants, including children. Then, between 1425 hours and 1515 hours, four other planes violated Lebanese airspace and were met with resistance from Lebanese anti-aircraft fire. At 1550 hours two warplanes again violated Lebanese airspace and attacked southern Lebanon, firing five rockets in three bursts.

Immediately after these grave acts of aggression, on 6 May 2004, the Personal Representative of the United Nations Secretary-General for Southern Lebanon, Staffan de Mistura, convened a press conference during which he stated: "By way of commentary on the violation of the Blue Line, I should like to emphasize today the gravity of this violation and the importance of the fact that it has put an end to a phase in the ceasefire which had lasted for six to eight weeks ... This incident began at 10.30 a.m. when a number of Israeli violations took place, and by the end of the day the total number of military violations amounted to 27. In our view this is a grave infringement and violation of the Blue Line and Lebanese sovereignty, and, through the United Nations, the Security Council, the Secretary-General and the Member States and in our own personal capacity, we have repeatedly called on Israel to put an end to the violations and pointed out the gravity of the matter and its provocative nature."

Lebanon, which adheres to the resolutions of international legitimacy, attributes to Israel the responsibility for anything which may occur as a result of its aggressive conduct and appeals to the United Nations, the Security Council and the international community to bring all possible pressure to bear upon Israel to stop these violations and acts of aggression.

In drawing your attention to the extreme gravity of these actions by Israel, which constitute flagrant acts of aggression and violations of Lebanon's sovereignty and territorial integrity, the Lebanese Government appeals to you to intervene and demand that Israel cease these acts and return to the earlier state of affairs. It further requests you to make Israel bear any consequences that may arise from its violations of the Blue Line and of Lebanese sovereignty and territorial integrity.

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I should be grateful if you would have this letter circulated as a document of the Security Council and the General Assembly. Lebanon reserves its right to call for a meeting of the Security Council to discuss these acts of aggression whenever it deems it appropriate.

(*Signed*) Sami **Kronfol**
Ambassador
Permanent Representative

United Nations S/2004/380

Security Council

Distr.: General
12 May 2004

Original: English

Identical letters dated 11 May 2004 from the Permanent Representative of Azerbaijan to the United Nations addressed to the Secretary-General and the President of the Security Council

I have the honour to transmit herewith the letter from Elmar Mammadyarov, Minister for Foreign Affairs of the Republic of Azerbaijan, dated 11 May 2004, regarding the conflict in and around the Nagorno Karabakh region of the Republic of Azerbaijan and a proposal that foresees, as an initial step in the settlement, the evacuation of Azerbaijan's territories currently under occupation and the restoration of transportation links in the region (see annex). This proposal, aimed at building confidence between the parties, represents a genuine attempt to reinvigorate the stalled peace process and enjoys the growing support of the international community.

I should be grateful if the present letter and its annex were circulated as a document of the Security Council.

(*Signed*) Yashar **Aliyev**
Ambassador
Permanent Representative

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Annex to the identical letters dated 11 May 2004 from the Permanent Representative of Azerbaijan to the United Nations addressed to the Secretary-General and the President of the Security Council

I am addressing you on the eve of the tenth anniversary of the ceasefire established by international mediators to put an end to active military hostilities between Armenia and Azerbaijan, which have resulted in the loss of tens of thousands of lives for both countries and continue to undermine security and stability in the South Caucasus region. In spite of the numerous mediation efforts undertaken by the international community thus far, in particular by the Minsk Group of the Organization for Security and Cooperation in Europe, no real progress has been made to date in the achievement of a peaceful settlement to this "frozen" conflict; 20 per cent of Azerbaijan's territory remains under occupation, and about 1 million refugees and internally displaced persons in Azerbaijan continue to suffer from its consequences.

We appeal today to the Security Council, which in 1993 adopted four resolutions on this issue, namely resolutions 822 (1993), 853 (1993), 874 (1993) and 884 (1993), to encourage the international community and all parties concerned to redouble their efforts to resolve this conflict on the basis of its above-mentioned resolutions, and to implement relevant provisions contained therein regarding respect for sovereignty and territorial integrity of the Republic of Azerbaijan, the inadmissibility of the use of force for the acquisition of territory, the immediate, unconditional and complete withdrawal of forces from the occupied territories of Azerbaijan and the return of displaced persons to their places of permanent residence.

In this context, we bring to the attention of the Security Council a proposal that foresees, as an initial step in the settlement, the evacuation of Azerbaijan's territories currently under occupation and the restoration of transportation links in the region. This proposal, aimed at building confidence between the parties, represents a genuine attempt to reinvigorate the stalled peace process and enjoys the growing support of the international community.

(*Signed*) Elmar **Mammadyarov**

United Nations A/58/791-S/2004/381

General Assembly
Security Council

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12 May 2004
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General Assembly
Fifty-eighth session
Agenda item 37
The situation in the Middle East

Security Council
Fifty-ninth year

Letter dated 11 May 2004 from the Permanent Representative of Lebanon to the United Nations addressed to the Secretary-General

With reference to our letter of 10 May 2004 I have the honour to inform you, at the request of the Government of Lebanon, that on 7 May 2004 Israeli occupation forces positioned at Al-Summaqah and Ruwaysat al-Alam in the occupied Shab`a Farms infiltrated to a depth of more than 200 metres into liberated Lebanese territory, thus violating that territory.

On 8 May 2004 a United Nations Interim Force in Lebanon (UNIFIL) patrol composed of the chief of the liaison office, Colonel Scellos, and Major Colo, together with officers of the Lebanese liaison unit, proceeded to the location of the incident and investigated the violation.

It was evident to the joint Lebanese/United Nations team, after examining the site of the incident and taking the necessary measurements by means of sensitive topographical equipment, that a group of members of the Israeli army had crossed the border of the occupied zone, heading west, and spread out over an area 250 metres deep and 20 metres wide within liberated Lebanese territory, reaching the point defined by coordinates UTM 752174-3690063, in the neighbourhood of Ruwaysat al-Alam marker 173, where the resistance observed the advance of the said Israeli forces and clashed with them, forcing them to retreat. Annexed hereto you will find a map showing the location of the incident.

At various times of day on 7 May 2004, the Israeli forces had committed numerous violations involving the use of warplanes, military helicopters and artillery, shelling various areas in South Lebanon, as follows:

At 0445 hours Israeli occupying forces positioned within the occupied Shab`a Farms fired a number of 155-mm field artillery shells on the environs of the Kafr Shuba and Habariyah areas.

At 0450 hours two Israeli helicopters flew at medium altitude over the occupied Shab`a Farms, thus violating Lebanese airspace.

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At 0455 hours Israeli occupying forces positioned in the occupied Shab'a Farms fired a number of 155-mm artillery shells on the environs of the Habariyah area.

At 0535 hours a number of Israeli warplanes flew at high altitude over the occupied Shab'a Farms, thus violating Lebanese airspace.

At 0540 hours the Israeli Air Force attacked the environs of the Kafr Shuba area, firing two air-to-ground missiles.

At 0545 hours the Israeli Air Force attacked the environs of the occupied Shab'a Farms area, firing two air-to-ground missiles.

At 0610 hours the Israeli Air Force attacked the southern part of the Kafr Shuba area, firing two air-to-ground missiles.

At 0630 hours Israeli enemy forces positioned in the occupied Shab'a Farms fired a number of 155-mm artillery shells on the environs of the Kafr Shuba area.

Between 0815 and 0900 hours an Israeli reconnaissance aircraft flew at medium altitude over the occupied Shab'a Farms, thus violating Lebanese airspace.

Between 0920 and 1020 hours an Israeli reconnaissance aircraft flew at medium altitude over the occupied Shab'a Farms, thus violating Lebanese airspace.

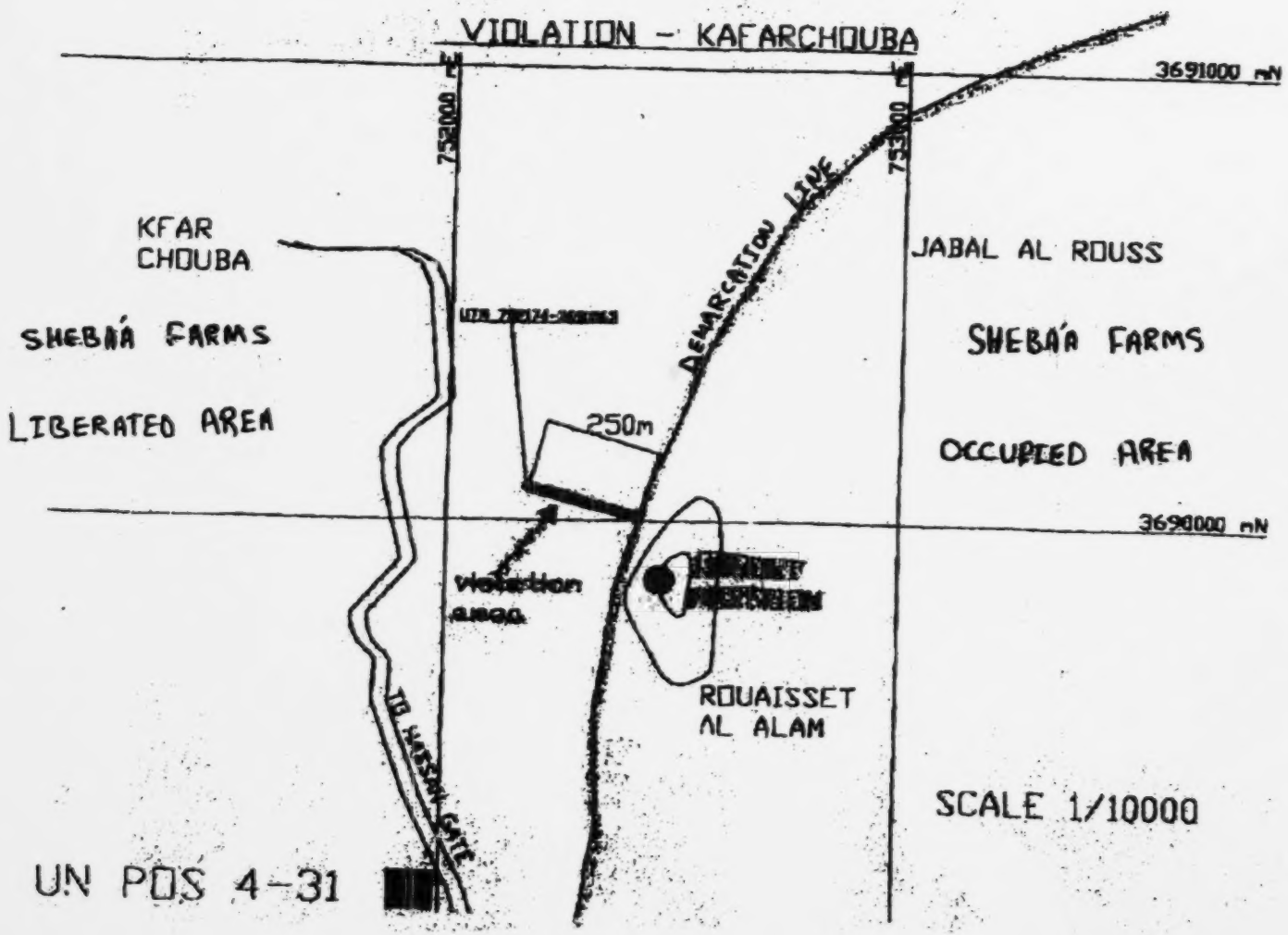
Between 1015 and 1045 hours two Israeli helicopters flew at medium altitude over the occupied Shab'a Farms, thus violating Lebanese airspace.

These grave violations are part of a series of persistent and provocative Israeli violations of Lebanese airspace and territory and are in contravention of the principles of international law and the resolutions of international legitimacy, and the Secretary-General of the United Nations has repeatedly called for their cessation.

In view of these violations and the stepping-up of Israeli threats to Lebanon and the safety of its territory and its citizens, Lebanon calls upon the Security Council to deter and prevent Israel from such dangerous acts, which pose a threat to international security and peace. Israel must assume full responsibility for those acts and for any consequences to which they may give rise.

In drawing your attention to the gravity and possible consequences of such acts, I request to have this letter of complaint circulated as a document of the General Assembly, under agenda item 37, and of the Security Council.

(*Signed*) Sami **Kronfol**
Ambassador
Permanent Representative



A/58/791
S/2004/381

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Security Council

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General Assembly
Tenth emergency special session
Agenda item 5
Illegal Israeli actions in Occupied East Jerusalem and the rest of the Occupied Palestinian Territory

Security Council
Fifty-ninth year

Identical letters dated 12 May 2004 from the Chargé d'affaires a.i. of the Permanent Observer Mission of Palestine to the United Nations addressed to the Secretary-General and the President of the Security Council

In grave breach of international law, including international humanitarian law, Israel, the occupying Power, continues to use excessive and indiscriminate force and to launch military attacks against the Palestinian population in the Occupied Palestinian Territory. Over the past two days, Israeli occupying forces have intensified their deadly military attacks and carried out yet another raid in the densely populated Gaza city neighbourhood of Zeitoun. The raid was carried out by Israeli ground forces, backed by dozens of Israeli armoured carriers, tanks helicopter gunships and navy ships. At the time of writing the present letter, the occupying forces have killed 15 Palestinians, including 7 children. Israeli occupying forces have also wounded more than 140 people, including children, some of whom remain in critical condition.

In addition to the casualties and the serious injuries caused by the latest Israeli incursion into Gaza, the occupying forces raided numerous homes, terrorizing many families throughout the town. Israeli occupying forces blasted their way into Palestinian homes and buildings, causing serious damage and destruction. The destruction of civilian property that has occurred over the past two days follows one of the most intense periods of destruction since the start of the intifada, which began on 28 September 2000. According to the United Nations Relief and Works Agency for Palestine Refugees in the Near East, in the past 10 days Israeli occupying forces have demolished or damaged beyond repair 131 residential buildings. These demolitions have made 1,100 Palestinians homeless, bringing the total number of people who have lost their homes in the Gaza Strip to the shocking number of 17,594.

Tragically, the toll of death and destruction throughout the Occupied Palestinian Territory, including East Jerusalem, continues to rise almost daily, as reflected in the annexed list of martyrs, and the situation on the ground continues to

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deteriorate as Israel continues to pursue all of its illegal policies and practices against the Palestinian people. In this regard, the international community should act to bring an end to all Israeli actions against the Palestinian people and ensure Israel's compliance with international law, including the Fourth Geneva Convention, and with its obligations as an occupying Power.

The present letter is in follow-up to our previous 188 letters to you regarding the ongoing crisis in the Occupied Palestinian Territory, including East Jerusalem, since 28 September 2000. These letters, dated from 29 September 2000 (A/55/432-S/2000/921) to 22 April 2004 (A/ES-10/265-S/2004/319) constitute a basic record of the crimes committed by the Israeli occupying forces against the Palestinian people since September 2000. For all of the war crimes, State terrorism and systematic human rights violations committed against the Palestinian people, Israel, the occupying Power, must be held accountable and the perpetrators must be brought to justice.

Accordingly, in follow-up to the above-mentioned letters, it is my profound regret to inform you that, since our last letter to you, at least 49 Palestinians, including 16 children, have been killed by the Israeli occupying forces, raising the total number of Palestinian martyrs killed since September 2000 to 2,963. (The names of the martyrs that have been identified are contained in the annex to the present letter.)

I would be grateful if you would arrange to have the text of the present letter and its annex distributed as a document of the tenth emergency special session of the General Assembly, under agenda item 5, and of the Security Council.

(*Signed*) Somaia **Barghouti**
Chargé d'affaires a.i.

Annex to the identical letters dated 12 May 2004 from the Chargé d'affaires a.i. of the Permanent Observer Mission of Palestine to the United Nations addressed to the Secretary-General and the President of the Security Council

Names of martyrs killed by the Israeli occupying forces in the Occupied Palestinian Territory, including East Jerusalem* (Friday, 23 April 2004, to Wednesday, 12 May 2004)

Friday, 23 April 2004

1. Mona Hamdy Shihadeh Abu Tabaq (9 years old)
2. Asma'a Ali Salma Abu Qleeq (4 years old)
3. Yasser Ahmed Mohamed Abu Laymoon
4. Mohamed Abdel Hafeez Odeh Nazal
5. Mohamed Kamel Amad Allah Nazal
6. Abdel Rahman Wasef Nazal

Saturday, 24 April 2004

1. Kamal Abdallah Al-Tawbeesy
2. Mohamed Mazaen Selim Azouqeh
3. Said Ahmed Mohamed Hardan
4. Hosni Mustafa Yussef Durghameh

Monday, 26 April 2004

Moussa Ibrahim Al-Akeed (14 years old)

Tuesday, 27 April 2004

1. Ashraf Zaher Hasan Nafea'
2. Amjad Ribhi Imareh
3. Islam Hachem Rizq Zahran (14 years old, died from wounds sustained on 18 April 2004)

Saturday, 1 May 2004

1. Hussein Ismaeel Abu Aker (7 years old)
2. Jamal Shihadeh Radwan Hamdan

Sunday, 2 May 2004

1. Khaled Bahgat Abu Elbeh (15 years old, died from wounds sustained on 30 April 2004)
2. Nader Mahmoud Abu Leil
3. Hachem Dawood Ashtewi Abu Hamdan
4. Na'el Ziad Hasanein
5. Mohamed Hussein Abu Hamdan

* The total number of Palestinian martyrs killed by Israeli occupying forces since 28 September 2000 is 2,963.

Monday, 3 May 2004

Ahmed Jihad Al-Khowaldi (15 years old, died from wounds sustained on 21 April 2004)

Tuesday, 4 May 2004

1. Bilal Mohamed Hamdan
2. Baha'a Falah Abu Zaytoun (13 years old)

Wednesday, 5 May 2004

1. Abdallah Ali Al-Jammal
2. Ra'fat Bakr Ramadan Obeid
3. Imad Mohamed Hafez Janajreh

Thursday, 6 May 2004

Yassin Adel Abdallah Al-Joulani

Friday, 7 May 2004

1. Basseem Bassam Mohamed Kilboneh (18 years old)
2. Muntaser Mohamed Ahmed Ziab
3. Sa'ed Ibrahim Hasan Musi'ei
4. Zaker Khairy Khidr

Sunday, 9 May 2004

1. Fadi Shalaan Bahr
2. Nahed Mohamed Abu Hadaf

Tuesday, 11 May 2004

1. Ammar Awad Al-Jirjawi
2. Fadi Ibrahim Alyan Nasser (18 years old)
3. Mohamed Faraj Ades (18 years old)
4. Ahmed Salem Al-Sobki (16 years old)
5. Ramy Mohamed Ja'afaar (11 years old)
6. Hamdy Hamoodeh Muhsen (14 years old)
7. Yussef Kamal Hijazi (13 years old)
8. Rafiq Ashoor Daghmesh
9. Jihad Malka
10. Ahmed Obein (12 years old)

Wednesday, 12 May 2004

1. Mohamed Abdel Aziz Mushtahi
2. Fawzi Musbah Al-Madhoon
3. Mohamed Hasan Yassin
4. Midhat Rafiq Al-Bana
5. Ramy Abu Own

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Security Council

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12 May 2004

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Draft resolution

The Security Council,

Reaffirming its previous resolutions on the situation in Timor-Leste, in particular resolutions 1410 (2002) of 17 May 2002, 1473 (2003) of 4 April 2003 and 1480 (2003) of 19 May 2003,

Commending the progress achieved by the people and Government of Timor-Leste, with the assistance of the international community, towards developing, in so short a time, the nation's infrastructure, public administration, law enforcement and defence capacities,

Commending also the work of the United Nations Mission of Support in Timor-Leste (UNMISET), under the leadership of the Secretary-General's Special Representative, and *welcoming* the progress made towards the accomplishment of key tasks inscribed in its mandate, in accordance with Security Council resolutions 1410 (2002), 1473 (2003) and 1480 (2003),

Expressing its appreciation to those Member States providing troops, civilian police personnel and support elements to UNMISET,

Having considered the statement of 20 February 2004 by the Foreign Minister of Timor-Leste to the Security Council, requesting a one-year extension of UNMISET,

Taking note of the special report of the Secretary-General on UNMISET of 13 February 2004 (S/2004/117) as well as his report of 29 April 2004 (S/2004/333),

Welcoming the Secretary-General's recommendation to extend UNMISET for a further, one-year consolidation phase, to allow key tasks to be performed and to sustain, strengthen and build upon the gains made to date, thereby permitting Timor-Leste to attain self-sufficiency,

Noting also that the emerging institutions in Timor-Leste are still in the process of consolidation and that further assistance is required to ensure sustained development and strengthening of key sectors, mainly justice, the public administration, including the National Police, and the maintenance of security and stability in Timor-Leste,

Encouraging the Government of Timor-Leste to adopt, as soon as possible, legislation and other appropriate measures referred to in paragraph 69 of the

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Secretary-General's report of 29 April 2004, and further outlined as Timor-Leste action required in annexes 1, 2 and 3 of the same report,

Welcoming the excellent communication and goodwill that have characterized relations between Timor-Leste and Indonesia and *encouraging* continued cooperation between both Governments and cooperation with UNMISET towards further progress in resolving pending bilateral issues, including those relating to the demarcation and management of the border and to the provision of justice for those responsible for serious crimes committed in 1999,

Remaining fully committed to the promotion of security and long-lasting stability in Timor-Leste,

1. *Decides* to extend the mandate of UNMISET for a period of 6 months, with a view to subsequently extending the mandate for a further and final period of 6 months, until 20 May 2005;

2. *Decides* also to reduce the size of UNMISET and revise its tasks, in accordance with the recommendations of the Secretary-General in Section III of his report of 29 April 2004;

3. *Decides* accordingly that the mandate of UNMISET shall consist of the following elements, as outlined in the report of the Secretary-General of 29 April 2004:

(i) support for the public administration and justice system of Timor-Leste and for justice in the area of serious crimes;

(ii) support to the development of law enforcement in Timor-Leste;

(iii) support for the security and stability of Timor-Leste;

4. *Decides* that UNMISET will include up to 58 civilian advisers, 157 civilian police advisers, 42 military liaison officers, 310 formed troops and a 125-person International Response Unit;

5. *Decides* that internationally accepted human rights principles shall continue to form an integral part of training and capacity-building carried out by UNMISET under paragraph 3 above;

6. *Requests* the Secretary-General to keep the Security Council closely and regularly informed of developments on the ground and of the implementation of the present resolution, in particular with regard to progress towards achievement of key tasks of UNMISET's mandate, and in that regard, *requests* the Secretary-General to submit a report within three months of the date of adoption of the present resolution and every three months thereafter, with recommendations for any modifications such progress might allow to size, composition and tasks of UNMISET, with a view to completing its mandate by 20 May 2005;

7. *Requests* the Secretary-General to include in his reporting requested under OP6 above, recommendations on tasks and configuration of police and military components for Security Council review in November 2004;

8. *Reaffirms* the need to fight against impunity and the importance for the international community to lend its support in this regard and *emphasizes* that the Serious Crime Unit should complete all investigations by November 2004, and

should conclude trials and other activities as soon as possible and no later than 20 May 2005;

9. *Underlines* that further United Nations assistance to Timor-Leste should be coordinated with the efforts of bilateral and multilateral donors, regional mechanisms, non-governmental organizations, private sector entities and other actors from within the international community;

10. *Urges* the donor community as well as the United Nations agencies, funds and programmes and multilateral financial institutions to continue providing essential resources and assistance for the implementation of projects towards sustainable and long-term development in Timor-Leste;

11. *Decides* to remain actively seized of the matter.

United Nations

S/2004/384

Security Council

Distr.: General
13 May 2004

Original: English

Letter dated 12 May 2004 from the Secretary-General addressed to the President of the Security Council

I have the honour to transmit to you the report of the Commission of Inquiry on the events connected with the march planned for 25 March 2004 in Abidjan led by the Office of the United Nations High Commissioner for Human Rights (see annex). The Commission of Inquiry visited Abidjan from 15 to 28 April 2004.

I should be grateful if you would make the present letter and its annex available to the members of the Security Council.

(*Signed*) Kofi A. **Annan**

04-34077 (E) 130504

Annex

OFFICE OF THE UNITED NATIONS HIGH COMMISSIONER FOR HUMAN RIGHTS

REPORT OF THE COMMISSION OF INQUIRY

ON THE EVENTS CONNECTED WITH THE MARCH PLANNED FOR 25 MARCH 2004 IN ABIDJAN

GENEVA, 29 APRIL 2004

Contents

		Paragraphs	*Page*
I.	INTRODUCTION	1 – 11	4
	A. Background to the appointment of the Commission of Inquiry	1 – 3	4
	B. Mandate of the Commission	4	4
	C. Programme of work of the Commission	5 – 7	4
	D. Methodology of the work of the Commission	8 – 9	5
	E. Other investigations	10 -11	5
II.	BACKGROUND TO THE ESTABLISHMENT OF THE COMMISSION	12 –71	6
	A. The fragile political context in Côte d'Ivoire	12 –15	6
	B. Events prior to 25 March 2004	16 –34	6
	C. Events on and after 25 March 2004	35 –71	10
III.	CONCLUSIONS	72 –83	17
IV.	RECOMMENDATIONS	84 –96	19

I. INTRODUCTION

A. Background to the appointment of the Commission of Inquiry

1. Appointment and composition of the Commission

1. On 2 April 2004, responding to requests from President Laurent Gbagbo and the Prime Minister of the Government of National Reconciliation of Côte d'Ivoire, Mr. Seydou Diarra, as well as from the monitoring committee established under the Linas-Marcoussis Agreement, the United Nations Secretary-General, Mr. Kofi Annan, asked the Office of the United Nations High Commissioner for Human Rights (OHCHR) to lead an investigation into alleged human rights violations committed in connection with the march planned for Abidjan on 25 March 2004.

2. Pursuant to the Secretary-General's request, the United Nations Acting High Commissioner for Human Rights, Mr. B. Ramcharan, decided on 8 April 2004 to establish an independent Commission of Inquiry, to be composed of Franca Sciuto of Italy, the Chairperson of the Rainforest Foundation and former Chairperson of the Executive Committee of Amnesty International, Vera Duarte, Coordinator of the National Committee of Human Rights and a former Judge of the Supreme Court of Cape Verde, and Eugène Nindorera, a former Minister for Human Rights of Burundi.

3. In addition to the three internationally recognized experts appointed by the Acting High Commissioner, the Commission was supported by one forensic expert, Ms. Anahi Ginarte, and four OHCHR staff members, Mr. Gianni Magazzeni, Mr. Gilbert Bawara, Ms. Moetsi Duchatellier and Ms. Aminata Monnet.

B. Mandate of the Commission

4. In his request to OHCHR, the Secretary-General defined the mandate of the Commission of Inquiry as being to investigate alleged human rights violations committed in connection with the march planned for Abidjan on 25 March 2004. In his announcement of 8 April regarding the composition of the Commission, the Acting High Commissioner specified that the mandate would consist of establishing the facts concerning the responsibility for alleged atrocities committed in connection with the planned march.

C. Programme of work of the Commission

5. The Commission visited Abidjan from 15 to 28 April. While there, it met and had discussions with several official interlocutors, including President Gbagbo, Prime Minister Diarra and a number of his ministers, the commanders of the national armed forces (national police, gendarmerie and National Armed Forces of Côte d'Ivoire (FANCI)), as well as leaders of all political parties. The Commission also met with the Special Representative of the Secretary-General, Mr. Albert Tevoedjré, and relevant segments of the United Nations Operation in Côte d'Ivoire (ONUCI), the French-led force Licorne and ambassadors and members of diplomatic missions from neighbouring and other countries. Furthermore, the Commission conducted interviews with interested local non-governmental organizations, religious leaders and women's groups. Concerned governmental structures, such as the

Abidjan main detention centre (Maison d'arrêt et de correction d'Abidjan, MACA) and police stations were also visited.

6. It should be noted that during the initial phase of the work of the Commission, the Under-Secretary-General for Peacekeeping Operations, Mr. Jean-Marie Guéhenno, was undertaking a high-level mission to Côte d'Ivoire, together with members of the Security Council.

7. The Commission wishes to express its thanks to President Gbagbo and the Government of National Reconciliation, to the diplomatic community and in particular those embassies that were visited, national and international organizations, and all individuals who managed to contact the Commission directly, either through a local phone number or through an email address (made known publicly upon its arrival in Abidjan), or met with the Commission, for their cooperation and assistance.

D. Methodology of the work of the Commission

8. The principal source of the Commission's findings presented in this report was extensive meetings and interviews with eyewitnesses, survivors of the events, other individuals and groups of people with first-hand information, testimonies, reports and accounts relating to the Commission's specific mandate. Persons were interviewed individually and/or with someone they trusted; they were also told that their testimonies would be kept confidential.

9. This methodology encouraged witnesses and produced credible accounts of their experiences. In response to follow-up questions, they were often able to provide additional details or observations about the precise manner in which the incidents they described had actually occurred. In some cases, they still bore the physical scars left by the events and the emotional toll of their recollections was evident. These meetings and interviews also allowed the Commission to collect other documentary evidence, including photographs, audio recordings and videos. It should be noted that a number of eyewitnesses might not have wanted to meet the Commission for fear of possible reprisals.

E. Other investigations

10. The events that took place in Abidjan in connection with the march planned for 25 March resulted in grave human rights violations. The Government of National Reconciliation, the Parliament, the political actors and civil society organizations unanimously requested an investigation to be carried out. The work of this Commission of Inquiry can only help in shedding light on those events.

11. Other investigations have been undertaken or envisaged by the Government or State institutions. These include an investigation by a parliamentary commission, an investigation by the Ministry of Human Rights and an investigation by the Ministry of Justice through a national commission that should soon be established. Many national human rights organizations and media have also investigated these events. The judicial inquiries directed by the Public Prosecutor, which are the most important element in establishing responsibility, have already ordered forensic examinations.

II. BACKGROUND TO THE ESTABLISHMENT OF THE COMMISSION

A. The fragile political context in Côte-d'Ivoire

12. The events connected with the march planned for 25 March 2004 occurred against the background of a particularly volatile political situation in Côte d'Ivoire characterized by a continuous power struggle among the political forces that comprise the Government of National Reconciliation, especially in view of the forthcoming presidential elections, scheduled to take place in October 2005. This power struggle manifests itself in various ways and aims at appealing to the various social forces within civil society and public opinion in order to gain additional popular support or influence. One example of this is the conflicting interpretations with respect to the degree of implementation of the Linas-Marcoussis and Accra II Agreements that prevailed at the time of the issuance of the present report.

13. This situation complicated efforts towards peace and reconciliation. Two years of conflict had sharpened political differences and deepened the already severe social and economic conditions of the large majority of the population. The conflict, which broke out in September 2002, and the stalemate in the peace process, as well as massive and widespread human rights abuses perpetrated by all parties to the conflict since then, have exacerbated rivalries and created new tensions among various communities living in Côte d'Ivoire.

14. Furthermore, recent conflicts in neighbouring countries, such as Liberia and Sierra Leone, have facilitated the proliferation of light weapons and the availability of former combatants in Côte d'Ivoire itself. Despite the stalemate in the peace process, the main political forces had effectively already started campaigning, thereby stepping up the struggle for power.

15. It is in that context of general mistrust and lack of confidence among the parties to the peace process that the Parti démocratique de Côte d'Ivoire (PDCI), on 4 March 2004, decided to suspend its participation in Cabinet meetings to protest the perceived dysfunctional system of government and the lack of the rule of law. The political impasse intensified even further when six other parties, namely Rassemblement des Républicains (RDR), Union pour la démocratie et pour la paix en Côte d'Ivoire (UDPCI), Mouvement des forces de l'avenir (MFA), Mouvement patriotique de Côte d'Ivoire (MPCI), Mouvement populaire ivoirien du grand ouest (MPIGO) and Mouvement pour la justice et la paix (MJP), decided to join PDCI and formed a new political coalition known as the Group of Seven (G7). The main objective of G7 was to ensure the full and effective implementation of the Linas-Marcoussis and Accra II Agreements.

B. Events prior to 25 March 2004

16. On 17 March G7 released a memorandum in which it formulated grievances against the President of the Republic and listing the obstacles and difficulties that should be addressed in order to move the peace process forward. The same day, G7 expressed its intention to organize, on 25 March 2004, a march meant to urge full and unhindered implementation of the Linas-Marcoussis Agreement. The planned public demonstration would demonstrate to national and international opinion that the portion of the population in favour of the Agreement was greater than that opposed to it. The demonstration was further intended to point out the obstacles

purportedly created by President Gbagbo and his supporters with a view to undermining the effective and proper functioning of the Government of National Reconciliation, and thus help overcome, once and for all, the stalemate in the peace process.

17. A day after the planned march was announced, Presidential Decree No. 2004-210, previously debated during a Cabinet meeting on 11 March 2004, was adopted and signed by the President and issued. It banned public demonstrations until 30 April 2004; however, the decree allowed political parties to hold meetings in closed spaces. According to the authorities, the Government had been prompted to prohibit public demonstrations, at least on a temporary basis, following the events of 9 March 2004, when a group of Young Patriots and alleged partisans of President Gbagbo's Front populaire ivoirien (FPI) assaulted magistrates on the premises of the Palais de Justice in Abidjan, and a similar incident on 10 March when a group of Young Patriots attempted to dislodge ministers and members of the Forces nouvelles staying at the Golf Hotel in Abidjan.

18. Numerous mediation efforts were undertaken by national, regional and international actors, including the Secretary-General, the Linas-Marcoussis monitoring committee, the Special Representative of the Secretary-General, the Foreign Minister of Nigeria and President John Kufuor of Ghana, also Chairperson of the Economic Community of West African States (ECOWAS), and even the traditional chiefs of Côte d'Ivoire, with a view to diffusing the tense situation created and appealing for restraint and dialogue between G7 and President Gbagbo.

19. In particular, it should be noted that the Secretary-General, on 25 March, appealed to the leaders of the Ivorian political parties to demonstrate statesmanship and engage in constructive consultations, as promised by President Gbagbo. Equally, the Special Representative of the Secretary-General, on 22 March, had urged the political parties to find a negotiated way out of the current political crisis. Furthermore, Mr. Tevoedjré stated that the international community supported the peace process in Côte d'Ivoire but would not tolerate political disorder that could lead directly to destruction and uncontrollable terror.

20. In view of the political tension which had intensified greatly since early March 2004, when PDCI walked out of government meetings, it was not responsible to insist on organizing a public demonstration, in particular since protest marches had been banned precisely to ease the tension and create an environment conducive to the imminent deployment of United Nations peacekeeping troops. It is also regrettable that the parties concerned refused to give the numerous mediation efforts that were deployed a chance to diffuse the tension and establish a dialogue. It remains unclear why it was not possible for all parties concerned immediately to engage in a dialogue to discuss the obstacles that could undermine the full and effective implementation of the peace accords.

21. All these mediation efforts failed, however, and official declarations and public statements by the authorities became even more defiant and threatening.

22. It should be pointed out that on 22 March, G7 handed over a "memorandum of grievances" containing their own interpretation as to the current obstacles to the implementation of the peace accords. While this could have been an opportunity to be seized immediately, it is interesting to note that President Gbagbo undertook to embark upon a

dialogue with the G7 coalition on Monday, 29 March, although the march was still scheduled to take place on 25 March.

23. Also on 22 March, President Gbagbo issued Decree No. 2004-236 mobilizing the national armed forces. The Commission was informed by reliable sources that Prime Minister Diarra was not consulted, or even told, about that decree until it was read out on public television.

24. Given that G7 maintained its determination to demonstrate, President Gbagbo on 24 March called for a meeting of the Prime Minister, the Ministers of Defence and Internal Security, as well as the main chiefs of the national police, the gendarmerie and FANCI, and instructed them to take steps to mount a security operation able to withstand any threat, as well as to prevent a march of any type from even developing.

25. The march planned for 25 March was widely publicized and perceived by some as a serious challenge to the President and the legitimate State institutions. During meetings with President Gbagbo and with the Defence and Internal Security Ministers, the Commission was told that the decision to mobilize the national armed forces was intended to put down the demonstration and prevent it from taking place.

26. As indicated earlier, public demonstrations had been banned in accordance with Presidential Decree No. 2004-210. That the impending march would represent an open challenge to the President and would be in defiance of his authority potentially had several political repercussions at a time when the parties had effectively started their election campaigns. Opposition parties could show that they were able to mobilize a large number of people. More than 1 million people lived in Abobo alone, an area of Abidjan that is a bastion of support for G7; a successful march could give visual recognition to this electoral force and could tilt the balance of power in favour of G7. The Commission of Inquiry also noted that the Young Patriots had demonstrated at the French military base in Abidjan (43rd BIMA) in December 2003, despite a presidential decree prohibiting public protest marches from October 2003 to January 2004.

27. The decision to forbid the 25 March demonstration and the harsh public statements made by the authorities prior to it were further justified by the fear that armed elements, presumably belonging to the Forces nouvelles, could actually attempt to infiltrate the march and use it to stage a coup d'état against the Head of State.

28. According to the highest authorities of the State, the demonstration would have represented a pretext to launch what was referred to as "the battle of Abidjan", with a view to overthrowing the regime. The recent experience of Haiti was evoked before the Commission to explain their fears of what could occur in the wake of the planned march. It was also argued that both governmental and foreign intelligence services had warned about possible risks in connection with the march and the real objective of the organizers. In addition, there was also information available to the effect that the rebel movement was being supplied with weapons and ammunition from two neighbouring countries with the objective of capturing Abidjan. In that context, the events of 25 March came to be seen as having been planned long before and as the ultimate threat to the regime.

29. Therefore, in view of the perceived threat posed by the demonstration to the regime and to public order, the highest authorities of the State indicated that even if there had not been a decree prohibiting public demonstrations, they would not have allowed or tolerated the planned march. Instructions had consequently been given to the Ministers of Defence and of Internal Security as well as the relevant chiefs of the security forces to take every measure deemed necessary to suppress the demonstration. In this regard, in addition to positioning the security forces throughout the city of Abidjan, government troops were also stationed some 120 km outside the capital to watch for and prevent any infiltration by rebel forces into Abidjan. Similar steps were taken to monitor the situation overseas through the use of the navy.

30. On 18 March, the Commanders of the Presidential Guard and of the Group of Presidential Security addressed a letter to the Minister of Internal Security and decreed that the areas around the presidential palace would be considered a "red zone" where anyone caught would be viewed as an enemy combatant and treated as such, i.e. shot, without warning.

31. The allegations regarding the presence of armed demonstrators and elements of rebel groups prepared to attack the security forces or to overthrow the President could not be independently verified, as the Commission received no credible or conclusive evidence to this end. All the same, the Commission could not prove reports suggesting that elements of armed groups such as the Front pour la libération du grand ouest (FLGO), which traditionally operates alongside governmental forces, might have been brought from the front lines back to Abidjan in order to support the security forces in suppressing the planned march.

32. Nonetheless, it should be noted that the Forces nouvelles had decided not to participate in the protest march in Abidjan, but to organize demonstrations in areas under its control.

33. Consistent with Presidential Decree No. 2004-236 mobilizing the national armed forces and the instructions received during the 24 March meeting between the President, the Prime Minister, the Ministers of Defence and Internal Security as well as the concerned chiefs of the national police, the gendarmerie and FANCI, the security forces were positioned in many areas on the periphery of the city, in particular in locations where protest gatherings and demonstrations were scheduled to take place. The entry and exit points of specific areas of Abidjan were blocked. These deployments took place in the very early hours of 25 March and in some cases well in advance, on 24 March.

34. According to various witness accounts and testimonies, despite the prohibition of public demonstrations and the heavy military and security presence, early on 25 March, there were gatherings, in particular in areas and suburbs of the city considered to be hostile to President Gbagbo's regime, notably Abobo, Anyama, Port Bouet 2 and Adjamé, whose inhabitants are mostly members of community groups from the north of the country or from the neighbouring countries of Burkina Faso, Mali and Niger and other ethnic groups perceived to be supporters of opposition parties. Credible reports indicate that demonstrations had effectively started taking place in some of these areas.

C. Events on and after 25 March 2004

35. As will be explained below in greater detail, what actually happened on 25 March and afterwards was the indiscriminate killing of innocent civilians by the security forces. There is

overwhelming evidence which suggests that these killings were mostly unprovoked and unnecessary to deal with the demonstrators. In addition, it is also evident that certain community groups were specially targeted, i.e. individuals from the north of the country or from neighbouring countries (especially Burkina Faso, Mali and Niger) who were subjected to major violations of human rights, including summary and extrajudicial execution, torture, arbitrary detention and disappearance, that had little or nothing to do with the march.

36. The political responsibility of those who had planned the march, in spite of the ban and the tense climate created by the drawing of a "red zone" and the mobilization and use of the army and statements made by the highest authority of the State, must also be clearly emphasized. The political leaders who had asked for the march to take place must have realized that it would be too risky, and they did not participate. Their political responsibility, however, cannot be in any way comparable to the actions of the security forces and the massive violations of human rights they committed.

37. The size of the military and security forces in place and the bellicose tone on the part of officials and the press, including a statement made on 24 March by the Chief of Staff of the Armed Forces, Gen. Mathias Doué, that the security forces would inflict the punishment deserved by those "who had understood nothing", all seemed to prepare the public for a major operation, one that in reality turned out to be a hard lesson for the demonstrators and the groups targeted by the security forces.

38. Indeed, while the march was presented to the public, and possibly perceived by some, as a major security challenge to the nation and its President, all available evidence suggests that there was no significant threat to the security forces posed by the demonstrators, who were not armed, and there was no reported infiltration from the north, or any attempts at an insurrection by the population against the State. Credible witnesses' accounts attest to the fact that those who were determined to venture onto the streets in order to demonstrate intended to challenge the ban on marches, since that had already happened with no consequences when the Young Patriots demonstrated in December 2003 during a previous ban, and to show a public display of political support for G7.

39. The repression and killings that took place in the morning of 25 March, and especially during the days and nights of 25 and 26 March, represent a level of violence which was not proportional, nor could ever be justified by the situation. There were tanks, armed personnel carriers and rocket-propelled launchers pre-positioned in certain areas of Abidjan. There were helicopters and units of the navy mobilized on those days. There were thousands of men in uniform and so-called parallel forces manning the mobile units using jeeps, 4x4 vehicles and heavy armoured trucks, who often received instructions from the air and who targeted primarily the community groups described above.

40. Although a "red zone" had been declared, the security forces positioned themselves in and around the periphery of Abidjan, far from that zone, in advance of the march, blocking the entry or exit of residents in especially sensitive areas such as Abobo. They carried out their actions for two days, and probably longer, without allowing international military forces present in Côte d'Ivoire or independent international observers or the press to have access to record the events.

41. As described in some detail below, all available evidence suggests that the initial shooting that started the indiscriminate killings in the morning of 25 March was the result of coordinated action by the security forces. Consistent accounts from various eyewitnesses at different locations on the periphery of Abidjan attest to the launching of tear gas canisters, the use of live ammunition and shooting, either in the air or directly at demonstrators, by security forces in the early hours of 25 March, i.e. between 6.15 and 7.00 a.m.

42. Before the security forces began their action, those who managed to get to the streets saw that no one had yet begun marching or was behaving in a threatening or provocative manner. There were reports of discussions between would-be demonstrators and the security forces, in some cases face to face.

43. According to statistics gathered by the Commission of Inquiry on the basis of official and other documents received, and provided in the annex, at least 120 people were killed, 274 wounded and 20 disappeared. These figures are by no means final. They represent the best available information the Commission was able to gather on this difficult element of the inquiry within the time available. On that premise, the largest number of victims was from Abobo: 63 per cent of the deaths, 35 per cent of the wounded or tortured and 40 per cent of the disappeared. The second largest number of victims was from Anyama, with 10 per cent of the deaths; Koumassi accounted for 13 per cent of the wounded or tortured and 35 per cent of the disappeared were from Anyama. It should also be noted that 80 per cent of the victims were men and that the Commission could not verify any allegation or report of rape.

44. It is equally clear that many of the killings on these two days did not take place in the street but in the dwellings of would-be demonstrators or even innocent civilians targeted by the security forces simply because of their name, origin or community group. It was a well-known fact that police officers or other security officials or parallel forces would harass, try to rob, or search and arrest without warrants people in Abidjan even in the days preceding 25 March. However, these activities had greatly intensified since 23 March and contributed to the explosive environment. Credible accounts received by the Commission indicate that these actions too had been planned and directed by the security forces and later executed in cooperation and collusion with the parallel forces.

45. It is clearly possible that the planned march, which was meant to be an eminently political statement by G7 - whose illegality, owing to the 11 March decree, and ill-timing, owing to the mobilization of the security forces, is not in question, even if the demonstrators had planned to stop before the limits of the "red zone" - might also have been used by the other side as an opportunity not to be missed to teach a hard lesson or settle old scores.

46. Credible reports indicate that within the security services and the leadership of the parallel forces it was known that force would be used; that people would be killed on 25 March. It cannot be excluded that this information managed to reach the other sides of the political divide, including those who wanted to maintain the march in spite of calls from inside and outside the country to postpone it, and that therefore innocent civilians paid the ultimate price for the violent drive to power currently prevailing in Côte d'Ivoire.

47. Based on accounts received from eyewitnesses, and as indicated in public statements by the Director General of the Police, the security forces were already prepositioned in the early morning of 25 March in several key areas of Abidjan, namely Abobo, Adjamé, Yopougon, Anyama, and Kumassi. The defensive structure was composed of three main elements: fixed units made up of heavy equipment, tanks, armoured personnel carriers and rocket-propelled launchers in order to contain demonstrators in the peripheral areas; mobile units manned by special forces of the police, the gendarmerie and the Presidential Guard; and the armed forces as an element of overall defence.

48. According to accounts received from the G7 organizers, the demonstrators who wanted to march were told to regroup in large public areas within their communes on their way towards the Plateau of Abidjan, the "red zone". The rendezvous point was the Place de la République, just outside the zone. Their idea was to hold a peaceful sit-in there. They did not intend to cross or challenge the red zone. In some areas of the periphery, would-be demonstrators were forced to stay at home and could not regroup with other demonstrators in the streets. In other areas, including in Abobo and Adjamé, demonstrators managed to get to the streets and to start the process of regrouping at key points for their intended march towards the Plateau.

49. In some quarters, such as Port Bouet 2 (Yopougon) and Abobo, the shooting started early in the morning, between 6.15 and 8.30, immediately after tear gas canisters were launched by helicopters and by the security forces on the ground. As a result of the tear gas and the shouting and the shooting by the security forces, the crowd became panicked and disorderly. The demonstrators began to run back to their homes or other safe places, in fear of their lives. The use of the helicopters allowed mobile forces to be directed to where the crowd would attempt to regroup so as to reinforce the position of security forces in place on the ground.

50. In one incident, in Yopougon, at 6.15 a.m., as demonstrators were trying to gather in the street, a jeep with English-speaking uniformed men, without insignias, threatened to kill them. A few minutes later, helicopters began to fly so low over the area that demonstrators could see the white pilots being assisted by black men. Tear gas canisters were dropped from the helicopters onto the crowd. As the tear gas spread through the streets, the crowd began to flee. The men without insignias, possibly members of the parallel forces, blocked the road with the jeep and made it impossible for the demonstrators to get away. Meanwhile, police and officers of the gendarmerie arrived at the scene and the shooting started. It was not clear to the eyewitnesses who actually shot at them: the parallel forces, the police or the gendarmerie. However, several demonstrators were hit and killed at about 7 a.m. One wounded man was taken by the driver of a passing car who attempted to take him to a nearby hospital. On the way, he was stopped and arrested by the police, who threw the wounded men by the side of the road.

51. In the area called Adjamé, not too far from Abobo, towards the Plateau, at about 10 a.m. a group of demonstrators were dispersed by tear gas canisters launched from helicopters. The gas created confusion among the demonstrators, who started to run in different directions or attempted to go back home or take cover in nearby houses. One member of the parallel forces, wearing a white T-shirt and accompanied by three police officers, is reported to have shot at the fleeing demonstrators. Two of them were wounded, but managed to survive thanks to assistance provided by the Red Cross.

52. People were thus killed or wounded on the street, in courtyards as well as inside their own homes. Bodies were collected by vehicles of the security forces or funeral cars and brought either to public or private morgues in the Abidjan area. According to the Commission's findings, there are currently still 81 bodies in mortuaries. At the time this report was written, the State forensic pathologist had carried out some 50 autopsies at the mortuary at the University Hospital of Treichville. He said that pathologists were asked to do the remaining autopsies at the mortuary of Anyama. However, there were only four forensic pathologists available so finishing the job would require more time, especially as they did not have all the necessary equipment.

53. Other bodies might have been transported and buried elsewhere, in what are likely to be mass graves. There are credible accounts by eyewitnesses and other sources received by the Commission that allege the existence of at least two mass graves, at N'Dotre and Akouedo. These claims, however, will have to be independently verified, as the Commission was not in a position to do so within the time available, especially given the likely number of deaths (138), and the disappearances, conservatively estimated to be at least 20. In addition to the 81 bodies in mortuaries, there are some 77 bodies which at present cannot be accounted for. It should also be noted that the Public Prosecutor had ordered that the bodies of those killed on 25 and 26 March not be returned to their families until the autopsies and the forensic reports were completed. The responsibility for the storage and custody of the dead bodies at the present time rests with the private and public mortuaries.

54. Wounded people were left to themselves and to the care of their relatives, friends, or others who tried to bring them to hospital or provide urgent medical attention or first aid. There have been reports that Red Cross personnel and cars were seen at the scene of the events and in some cases were involved in assisting the wounded.

Use of helicopters

55. According to the Chief of Staff of the Armed Forces, helicopters were used on 25 and 26 March in order to take aerial photographs or to assist in the urgent evacuation of personnel. According to credible accounts from various eyewitnesses, helicopters were used both for observation and for aerial support to the mobile units of the security forces on the ground by launching tear gas canisters or directing reinforcements to specific locations. In one instance, helicopters were reported as flying very low at around 10 a.m. in the area of Port Bouet, where there were no demonstrators at that time. Many witnesses reported that, after a first pass above a courtyard, a helicopter came back and shot at people and dropped three explosive devices, as a result of which two people were killed, including a 12-year-old child, and more than 15 wounded.

Brutal killing of two policemen in Abobo

56. The brutal killing of two policemen took place at around 9.30 – 10.00 a.m. on 25 March in the area called PK 18, in Abobo. As indicated above, this was an area particularly targeted by the security forces on 25 March and where the killing of civilians had actually started earlier in the day. Here, demonstrators had managed to regroup in considerable numbers, according to credible accounts as many as 300 or more. Some of the demonstrators were coming from the

direction of Anyama, north of Abobo, and were still marching in an orderly way towards a bridge, called "derrière pont", controlled by the security forces.

57. Another group of demonstrators coming towards the "derrière pont" started to burn tyres and to advance towards the police forces in a threatening manner, throwing rocks, stones and other objects and shouting angrily about harassment and extortion to which they were frequently subjected by the police. The police officers stationed at the bridge felt overwhelmed by the confluence of the two groups of demonstrators. They shot twice in the air and then tried to flee.

58. The police officers took refuge in several small houses nearby, where they were followed by the angry crowd. Three police officers entered the internal courtyard of a group of small houses and entered one of the dwellings. The crowd broke down the door of the house and, according to eyewitnesses, continued to chase the policemen. One policeman was taken outside the house and severely beaten, including with machetes. He was left on the ground for dead. A second policeman was saved by someone who took his weapon, poured blood on his body and told the other demonstrators that he was already dead. A third policeman was beaten and tortured until he lost consciousness. As the crowd left the house, which was also vandalized, another police unit came to the rescue of the policemen. They left with two of the wounded policemen and left behind special security officers (*boucliers*) in the courtyard. Some demonstrators, seeing the special security officers arrive, entered the courtyard again and brutally killed the remaining policeman. They threatened to burn his body as well as the whole house. The angry crowd eventually fled the scene when a police unit approached. The Commission also received credible reports regarding the killing of another policeman by the crowd in the same area.

Chain of command

59. The mobilizing of the national armed forces and the heavy security operation mounted to handle the events of 25 and 26 March 2004 could only create confusion regarding coordination among the various units involved which, according to reliable sources, do not follow clear and well-established guiding principles and modalities. This lack of clarity in the chain of command and in the lines of communication could only facilitate abuses and excessive use of force, notably resulting from the inability of the commanders to maintain effective control over their subordinates. Therefore, in examining the responsibility for the human rights violations perpetrated during the events of 25 and 26 March, one would also have to bear in mind the repercussions of the presidential decree of 22 March and the instructions given to the chiefs of the national armed forces during the meeting on 24 March.

60. It is difficult for the Commission to shed light on how commands or orders were actually carried out within the regular forces or between them and the parallel forces. According to testimonies, thousands of members of the security forces may have been in action on those days in Abidjan. It should be noted, however, that while officially the army was supposed to remain as the" third layer", with a predominantly defensive role, following the police and the gendarmerie, helicopters, as well as other units such as the navy, were widely reported to have been deployed. Furthermore, it should be noted that in addition to the official chain of command, credible and repeated accounts were received by the Commission indicating that

there was a separate command and control structure for the parallel forces acting in coordination and collusion with the security forces.

61. It should be noted, however that on 27 March, President Gbagbo spoke out against the organizers of the march and blamed them for the deaths and injuries that resulted from their "pointless actions". He expressed his appreciation to the security and armed forces for their loyalty and action.

Raids, and search and arrest without warrants

The legal basis

62. The Commission noted that there were a massive number of arrests without any established legal ground. The Code of Penal Procedure provides that law enforcement officials can arrest and detain an individual in order to verify his identity in the context of inquiries following a crime, or in *flagrant délit*.

63. Such arrests and detentions should comply strictly with rules and procedures that were absolutely not respected in the case of the events of 25 and 26 March 2004, as well as on the following days. Indeed, according to article 59 of the Code, such arrests and detentions are strictly forbidden in private houses between 9 p.m. and 4 a.m. Nonetheless, searches can exceptionally be authorized by the judicial or administrative authorities if there is evidence that a crime has been committed. Except for the cases where an individual is caught committing a crime, law enforcement officials should present a warrant in order to arrest or detain a person.

64. According to information and testimonies received by the Commission, arrests and detentions that took place on 25 and 26 March 2004 were illegal or arbitrary as no legal authorization was provided to the individuals concerned. During these arrests, the victims were often badly ill-treated, their belongings stolen, their houses vandalized and, in some instances, they were summarily executed. Furthermore, consistent reports indicate that people were being detained beyond the legal time limit. In at least one instance, police officers did not provide any assistance to a person whom they had shot earlier and left bleeding to death in a police station (see para. 66 below). The Commission is concerned that such illegal practices have become widespread and systematic, in particular in marginalized neighbourhoods, and that official statements have indicated that they were justified.

Some concrete examples

65. These phenomena were typical occurrences in Abidjan in the months prior to 25 March 2004. However, there was an increase in their number as of 24 March. This is an important aspect because it greatly increased the level of frustration and hate on the part of the targeted population, including supporters or perceived supporters of opposition parties and community groups, with respect to the police and security forces. Normally, they take place in the middle of the night, often with the participation of security officers and parallel forces, or are carried out by the parallel forces themselves. These raids are characterized by intimidation, harassment, extortion, ill-treatment and torture, robbery, illegal detention or arrest, and extrajudicial or summary executions. As indicated above, there are credible and repeated

reports indicating that these raids increased significantly on the night of 23 March and even more during the nights that followed.

66. In one incident, in Abobo, PK 18, six young men living in the same quarters were forcibly taken from their house at 11 p.m. on 25 March by police and masked members of special units or the so-called parallel forces. The police said they were looking for "Enza", and asked the men if they had participated in the march. The young men did not know who Enza was and did not want to say whether they had marched. The armed officers replied that "they were all the same anyhow", and started to vandalize the house. One of the men was ordered to kneel down, just outside the house, in the courtyard, where he was shot repeatedly. A second man, who tried to flee, was shot in the back and was taken to the police station, where he was left bleeding till he died at about 5 a.m. on 26 March. The four other young men were ill-treated and tortured at the central police station in the Plateau. They are still in the MACA prison in Abidjan. The Director General of the national police indicated in a written document made available to the Commission that those men were responsible for killing the two policemen. Later, however, when brought before a public prosecutor, they were merely accused of having participated in the march. Members of the Commission managed to meet these four prisoners and were told in no uncertain terms that they had stayed at home the whole day on 25 March and had not even stepped out of their house.

67. The Commission also considers that raids, searches and arrests without warrants create an environment conducive to abuses by the so-called parallel forces and militias operating on their own or alongside the security forces.

Parallel forces

68. The parallel forces are armed militia. They include: Young Patriots (Jeunes patriotes), Groupement patriotique pour la paix now called Force de liberation nationale, Federation d'etudiants et stagiaires de Côte d'Ivoire (FESCI), Forces armées territoriales and/or Forces anti-terroristes (FAT), and Union des patriotes pour la libération total de la Côte d'Ivoire (UPLTCI). While not formally within the structure of the armed forces or security services, these groups normally support the work of the police and the gendarmerie and, at times, are used as alternatives to them. They may, however, maintain some degree of autonomy from any established structure and some of these groups may also be capable of a minimum of political leadership.

69. They are financed and armed mostly by the security forces, which provide them with general direction or direct orders. According to many accounts and testimonies, this backing for the parallel forces comes from within the presidential palace. They normally wear military trousers and a white or coloured T-shirt. They have training bases in and around the Yopougon neighbourhood, including those named Maison Carré and Azito. The members of these groups are often young, unemployed citizens of Côte d'Ivoire. As noted above, these groups were allowed to march in December 2003 during a previous ban on demonstrations.

70. On 1 April 2004, the Minister of Internal Security stated the following: "Several credible testimonies indicate that individuals wearing military clothes, armed with automatic pistols and/or Kalashnikov rifles and circulating by night in 4x4 runners, Mercedes or so-called *bâchés*

exert terror in certain neighbourhoods, committing all type of abuses against the population, stealing their belongings and, in some instances, kidnapping individuals after breaking into their homes. Information received indicates that the reality of such a phenomenon can not be questioned".

71. A number of individuals kidnapped in such conditions were later found in official detention centres. It is also surprising that no element belonging to the so-called parallel forces could be arrested and prosecuted for these crimes. Such trends illustrate a close link between the so-called parallel forces and the security services.

III. CONCLUSIONS

72. What happened on 25 and 26 March was the indiscriminate killing of innocent civilians and the committing of massive human rights violations. The march became a pretext for what turned out to be a carefully planned and executed operation by the security forces, i.e. the police, the gendarmerie, the army, as well as special units and the so-called parallel forces, under the direction and responsibility of the highest authorities of the State. This conclusion is the result of accounts from eyewitnesses and survivors, as well as corroborating evidence collected in Abidjan from 15 to 28 April 2004.

73. The events in question have to be seen in the broader context of a fragile political system in Côte d'Ivoire and a struggle for power, which is often violent. They are but one example of the violent political discourse currently prevailing in Côte d'Ivoire. An immediate end to the cycle of violence and to impunity is indispensable in order to move the country out of the present crisis and towards the establishment of the rule of law and respect for human rights, which are crucial for peace and successful and sustainable development efforts over the long term.

74. The political responsibility of those who planned the march in spite of the ban and the tense climate created by the drawing of a "red zone" and the mobilization and use of the army must also be emphasized. This political responsibility, however, cannot be compared to the level of responsibility of the security forces for their actions.

75. While the march was presented to the public, and possibly perceived by some, as a major challenge to the nation and its President, all available evidence suggest that there was no significant threat to the security forces posed by the demonstrators and that the repression and killings that took place in the morning of 25 March, and especially during the days and nights of 25 and 26 March, represent a level of violence which was not proportional to the situation and which targeted primarily community groups of supporters, or perceived supporters, of opposition parties working in Côte d'Ivoire.

76. While a "red zone" had been declared, within which unauthorized personnel would be considered as enemy combatants and shot on sight, the security forces had positioned themselves in and around the areas where the events occurred, i.e. the periphery of Abidjan, in advance of the march, allegedly also blocking the entry or exit of residents, and carried out their action there for two days, and probably longer, outside the reach of international military forces present in Côte d'Ivoire or of independent international observers.

77. All available evidence suggest that the initial shootings in the morning of 25 March that provided the spark for the explosion was the result of coordinated action by the security forces which resulted in the death of more than 100 civilians. Many of the killings took place not in the street, but in the houses of would-be demonstrators or even innocent civilians targeted by the security forces. There are also credible reports that more than 20 people could have disappeared whose families are too afraid to report their disappearance to the relevant authorities.

78. The killing of two policemen, which exacerbated the tensions in the street and provided a semblance of justification for the strong reaction by the security forces, actually took place two or three hours after the security forces had already started shooting into the crowds. Thus, most of the human rights violations that occurred on these two days can be characterized as a massacre in which summary executions, torture, disappearances and arbitrary detentions were repeatedly committed by units of the security forces and the parallel forces acting in coordination or in collusion with them.

79. Available evidence shows that the large majority of the bodies currently still in morgues pending autopsy present gunshot wounds. There is sufficient evidence to suggest that there could be at least two mass graves, details of their locations having been reported to the Commission. The size of these mass graves could not be independently verified and should be further investigated. Equally, it was not possible for the Commission to verify allegations made by key witnesses that bodies would have been secretly removed from morgues in order to reduce the number of official deaths connected with the march. This could be possible, as there is no judicial chain of custody for the bodies.

80. While on the eve of the march there were publicly declared orders to the security forces involved in the operation not to use weapons, except in self-defence, these orders were clearly not followed down the chain of command. These orders also did not affect the violent behaviour of the parallel forces. The use of foreign experts in military and security operations, especially within the parallel forces, which allegedly are also trained in anti-terrorist activities, has been reported to the Commission and cannot be excluded.

81. In addition, the Commission believes that other massive human rights violations, which have occurred since 19 September 2002, also need to be investigated so that those responsible can be prosecuted. This would contribute to bringing impunity to an end.

82. More generally, it is important to emphasize that current problems in Côte d'Ivoire cannot be addressed or solved through coups d'état or violence nor through continuing impunity for massive human rights violations, but through political dialogue, stability, and economic and social development. Equally relevant is the question of reducing the uneven distribution of wealth, the systematic exclusion of community groups and the low level of literacy which, compounded by unemployment, especially among the youth, create a breeding ground for intolerance and extremism. Thus, the events in question can be better understood by bearing in mind the realities of Côte d'Ivoire since the early 1990s and issues relevant to good governance and the rule of law such as elections, political parties, national identity and land tenure.

83. The subregional dimension and the complex web of ethnic links that bind people across national borders are also key to understanding the phenomena that occur in Côte d'Ivoire as the international community, especially the United Nations, through ONUCI, is increasing its efforts to ensure conditions more favourable to the success of peace efforts which are crucial for the respect of human rights, the rule of law and economic and social development in the country.

IV. RECOMMENDATIONS

84. Criminal investigations before an independent court should be carried out with a view to prosecuting those responsible for the indiscriminate killings on 25 and 26 March, i.e. the commanders of the special units involved within the security forces of Côte d'Ivoire, as well as the so-called parallel forces.

85. Any other persons who may have been involved within these forces in the direction and planning of the 25 and 26 March indiscriminate killings should also be prosecuted and/or disciplined. This should be done in accordance with other evidence or findings that will emerge through the work of the International Commission of Inquiry foreseen in the Linas-Marcoussis Agreement.

86. The International Commission of Inquiry needs to be established promptly and properly funded and resourced, and should be tasked with investigating all allegations of grave violations of human rights committed in Côte d'Ivoire since 19 September 2002.

87. Thus, individual accountability for the massive human rights violations committed on those days in March by the highest authorities of the State is essential to restoring faith in the institutions of the State itself and must be a priority for the international community, especially within the context of the United Nations Security Council.

88. In the light of the events of 25 and 26 March, the international community may wish to consider ways in which ONUCI could be further strengthened, in order for it to be in a better position to carry out the mandate entrusted to it by Security Council resolution 1528 (2004) of 27 February 2004, especially its paragraph 6.

89. In particular, especially after the public release of this report, it is necessary for the international community to consider expanding the mandate of ONUCI to ensure the protection of witnesses to the indiscriminate killings of 25 March, especially those individuals and groups that provided confidentially valuable information to the Commission for the elaboration of the present report and the protection of relatives of victims of the indiscriminate killings, the families of the disappeared, as well as the survivors,

90. More generally, the international community should give priority attention to the following key areas:

(a) Reform and training of the police and other security forces in international human rights norms as well as in minimum standard rules for the use of force and firearms, including with the support of international police personnel. The adoption of

new standing orders, in line with OHCHR manuals for law enforcement officials, will be a benchmark for that reform;

(b) Reform and strengthening of the judiciary, also through training, so as to ensure due process and the fairness and independence of this professional group, in line with the OHCHR manual for judges, lawyers and prosecutors;

(c) The establishment of a mixed human rights court, with the participation of international judges, mandated to prosecute all past massive human rights violations including those committed prior to 25 March 2004, could be envisaged;

(d) Establishment of a Truth and Reconciliation Commission in Côte d'Ivoire, with the support of the United Nations and keeping in mind the lessons learned and best practices that have emerged in this area in the past few years;

(e) Restructuring of the armed forces with the participation of all ethnic groups and their reform, in line with applicable international human rights and humanitarian law;

(f) Dismantling and disarming of all armed groups, including the so-called parallel forces, with due consideration to the possible integration of members of these forces into regular security structures of the State predicated on their retraining and their full adherence to applicable international human rights and international humanitarian law;

(g) Quick-impact economic programmes aimed at reducing unemployment and extreme poverty and at jump-starting the economic potential of the country;

(h) Special development projects aimed directly at the most vulnerable groups, such as women, children, youth and ethnic minority groups, as part of a strategy aimed at reducing the root causes of violence and conflict in the country;

(i) Urgent establishment of a United Nations radio station and enhancement of the United Nations information, media, education and training activities in Côte d'Ivoire, especially on human rights-related issues, so as to encourage a climate of mutual respect and tolerance among all community groups in the country;

(j) Ensuring more effective protection of the basic human rights and fundamental freedoms of all individuals in Abidjan, as part of the efforts of the international community to create an environment more conducive to the holding of free and fair elections in 2005;

(k) The need for a tracing and family reunification effort for survivors and the disappeared, in cooperation with the International Committee of the Red Cross.

91. The international community should also assist financially the Government of National Reconciliation of Côte d'Ivoire so as to ensure adequate compensation for the families of the victims of the indiscriminate killings and those whose property was destroyed or damaged during the events in question.

92. In this context, priority should be given to the provision to the Government of National Reconciliation of advisory services and technical cooperation programmes aimed at creating and strengthening national human rights protection systems, in particular the development of an effective and independent national human rights institution in Côte d'Ivoire in accordance with the Paris Principles, and the creation of a culture of human rights.

93. The Government of Côte d'Ivoire should also be urged to put an immediate end to arrests and searches carried out during the night.

94. Since the existence of militias and so-called parallel forces has been ascertained, the President of the Republic and the Government of National Reconciliation have the obligation to take all necessary steps to put an end to their activities.

95. In view of the consistent pattern of human rights violations in Côte d'Ivoire over the past years, the international community may also wish to consider the need for the establishment of an independent human rights mechanism of the United Nations Commission on Human Rights (a country-based special rapporteur or independent expert), that could be tasked with reporting, also to the General Assembly, on progress made in the effective implementation of international human rights norms, their translation into practices at the national level, as well as in ending impunity and ensuring the rule of law in Côte d'Ivoire.

96. Côte d'Ivoire is at a crossroads: in order for peace to prevail here, as well as elsewhere in the subregion, it is absolutely necessary to establish the principle that violence can no longer yield political advantages and must never be rewarded. Respect for the rights of the other – including political opponents - has to become the key test for all those who aspire to lead the country towards stability, unity and prosperity. It is through their example and their commitment, at the highest level of the State, that the occurrence of another 25 and 26 March in the future may be prevented.

United Nations S/2004/385

Security Council

Distr.: General
13 May 2004

Original: English

Letter dated 11 May 2004 from the Permanent Representative of Ireland to the United Nations addressed to the Secretary-General

I have the honour to draw your attention to the statement on the events of the last few days at the border between the Democratic Republic of the Congo and the Republic of Rwanda, issued on 10 May 2004 by the Presidency on behalf of the European Union (see annex).

I should be grateful if the text of the present letter and its annex could be circulated as a document of the Security Council.

(*Signed*) Richard **Ryan**
Permanent Representative of Ireland to the United Nations

04-35075 (E) 140504

Annex to the letter dated 11 May 2004 from the Permanent Representative of Ireland to the United Nations addressed to the Secretary-General

[Original: English, French and Spanish]

Statement on the events of the last few days at the border between the Democratic Republic of the Congo and the Republic of Rwanda issued on 10 May 2004 by the Presidency on behalf of the European Union

The European Union expresses grave concern at recent reports of an attack apparently led by the Democratic Liberation Forces of Rwanda (FDLR) on Rwandan territory and of an incident involving Rwandan troops said to have taken place on the territory of the Democratic Republic of the Congo.

The European Union wishes to point out that the presence of any foreign troops from any country whatsoever on the territory of the Democratic Republic of the Congo is a violation of international law and an attack on the sovereignty and territorial integrity of the Democratic Republic of the Congo. The European Union believes that the United Nations Organization Mission in the Democratic Republic of the Congo (MONUC) should intervene actively as a matter of urgency in order to counter any attempt on the part of FDLR to infiltrate Rwandan territory, with a view to establishing real stability in the east of the Democratic Republic of the Congo.

The European Union condemns equally strongly the restrictions placed on the free movement through Congolese territory of soldiers of MONUC, which prevent them from fulfilling their mission.

The potential seriousness of the situation in the east of the Democratic Republic of the Congo compels the European Union to call upon the Congolese and Rwandan Governments to hold direct consultations to prevent any aggravation of the tension and to intensify their efforts to improve relations between the two countries.

The European Union makes a fresh appeal for the highest authorities in Kigali and in Kinshasa to respect scrupulously the spirit of the declaration on good-neighbourly relations which they both signed on 25 September 2003, as well as the Pretoria Agreement of 30 July 2002 and the commitments which they both entered into at the Pretoria meeting on 27 November 2003.

In particular, the European Union would support the establishment by the two countries of a bilateral mechanism for monitoring the border area, backed by MONUC. In that connection, the disarmament and demobilization of the former Rwandan armed forces and Interhamwe combatants are essential in order to resolve the conflict in the region.

The candidate countries Bulgaria, Romania and Turkey, the countries of the stabilization and association process and potential candidates Albania, Croatia, Serbia and Montenegro, the former Yugoslav Republic of Macedonia, and the EFTA countries, Iceland, Liechtenstein and Norway, members of the European Economic Area, align themselves with this statement.

United Nations S/2004/386

Security Council

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13 May 2004

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Letter dated 13 May 2004 from the Secretary-General addressed to the President of the Security Council

Pursuant to Security Council resolution 1529 (2004), I have the honour to convey the attached report on the Multinational Interim Force in Haiti.

I should be grateful if the report could be brought to the attention of the members of the Security Council.

(*Signed*) Kofi A. **Annan**

04-35087 (E) 140504

Annex

Letter dated 12 May 2004 from the Deputy Representative of the United States of America to the United Nations addressed to the Secretary-General

I have the honour to enclose the status report on the Multinational Interim Force in Haiti. This report is submitted in accordance with paragraph 9 of Security Council resolution 1529 (2004).

I should be grateful if you would bring this report to the attention of the members of the Security Council.

(*Signed*) James B. **Cunningham**
Ambassador

Attachment

Status report on the Multinational Interim Force in Haiti

1. The United Nations Security Council adopted resolution 1529 (2004) on 29 February 2004 in response to the deteriorating political, security and humanitarian situation in Haiti. By resolution 1529 (2004) the Council authorized the immediate deployment of the Multinational Interim Force (MIF) for a period of three months to contribute to a secure and stable environment in the capital and elsewhere in the country.

2. The Commander of the Combined Joint Task Force Haiti (as Commander of MIF) submits this 60-day report in accordance with paragraph 9 of resolution 1529 (2004).

3. MIF originally focused operations in and around the cities of Port-au-Prince, Gonaïves and Cap-Haïtien to accomplish the tasks set out in paragraph 2 of resolution 1529 (2004). On 24 April the Combined Joint Task Force began operations in Hinche and cities in the southern claw of Haiti in order to increase stability beyond previously patrolled population centres. The following results have been noted since the status report dated 8 April 2004.

Task 1. To contribute to a secure and stable environment to support the constitutional political process

(a) Ongoing MIF assessment indicates that the constitutional political process has remained consistent since an initial dramatic improvement in the days after the current Government of Haiti was established. The Government is still limited in its ability to maintain civil organizations and infrastructure in some isolated cities. Examples include Hinche, Les Cayes and Jérémie.

(b) MIF continues to provide site security to the Primature and the Presidential Palace to ensure the unimpeded function of these critical government facilities.

Task 2. To facilitate the provision of humanitarian assistance and humanitarian worker access

(a) All appropriate requests for support through the Civil Military Operations Centre by humanitarian assistance organizations have been fulfilled. MIF operations have contributed to providing an environment in which humanitarian assistance organizations feel safe to operate without overt military protection. However, two recent incidents of harassment on Route 300 between Port-au-Prince and Hinche indicate sporadic lawlessness that will be addressed by MIF in upcoming operations.

(b) MIF collaborates with humanitarian assistance organizations through the Civil Military Operations Centre to distribute assistance in targeted areas. MIF civil affairs teams assess and communicate critical needs within Haitian society to the appropriate humanitarian assistance organization.

(c) The Civil Military Operations Centre also coordinated with the Port-au-Prince port authorities to address systemic problems that routinely delayed humanitarian shipments. The process for clearing relief supplies through the Haitian Customs department has returned to pre-crisis standards.

Task 3. To facilitate the provision of assistance to the Haitian police and Haitian Coast Guard to support public safety and human rights

(a) The MIF maritime component (United States Coast Guard forces attached to MIF) worked with the Haitian Coast Guard to develop a long-term training plan for the Haitian Coast Guard personnel to increase competency in basic seamanship skills, boarding procedures, and boat-handling skills. They also conduct joint maritime patrols with the Haitian Coast Guard and provide assistance in repairing Haitian Coast Guard boats and physical structures. Additional support over time is required to allow the Haitian Coast Guard to develop the ability to operate independently.

(b) MIF forces continue to conduct joint patrols of population centres with the Haitian police. These patrols have directly affected the public's perception of security and normalcy, and have served to increase the experience level of the Haitian police.

(c) MIF, in coordination with the American Embassy, instituted the Department of Defense rewards programme to persuade Haitians to provide information that leads to seizure of weapon caches. This programme supplements previous efforts to seize illegal weapons during joint Haitian police/MIF patrols. All MIF weapon confiscation efforts are intended to support the ability of the Haitian police to ensure public safety, provide force protection to MIF personnel, and improve the overall security situation in Haiti.

4. We continue to work towards facilitating the transfer of authority to the United Nations Stabilization Mission in Haiti. MIF planners attended the Southern Command Joint Inter-Agency Planning Group Conference on 29 and 30 April 2004 to coordinate transition and redeployment guidance and concepts. MIF planners have also maintained regular contact and communication with United Nations representatives to ensure the synchronization of United Nations and MIF planning efforts. We have requested liaison officers from designated multinational force partner States to further improve planning efforts.

5. Notable progress has continued since the last report in returning portions of the country of Haiti to an acceptable level of stability. Conditions have improved across the board, and MIF operations have allowed market and school activities to return to pre-crisis levels throughout the country. We are expanding MIF presence into the southern claw to verify reconnaissance reports on conditions in that region, and to demonstrate the international community's resolve to continue stable conditions in Haiti.

Task 4. To support establishment of conditions for international and regional organizations, including the United Nations and the Organization of American States, to assist the Haitian people

As reported in the first MIF report in March, thanks to the rapid deployment of the Multinational Interim Force, the staff of international and regional organizations, including OAS and the United Nations, have now been able to return to work in situ and assistance projects have resumed.

Task 5. To coordinate, as needed, with the OAS Special Mission and with the United Nations Special Adviser for Haiti, to prevent further deterioration of the humanitarian situation

As reported in the first MIF report in March, the Multinational Interim Force Commander has met with the Special Adviser to the Secretary-General, John Reginald Dumas, and with OAS representatives in order to exchange views on the situation in Haiti and the best means of responding to humanitarian objectives. MIF contributors believe that the coordination of international and regional organizations is crucial to improving the humanitarian situation and maximizing the effectiveness of international assistance. This vital work will continue.